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## How do I obtain prescription medication?

You may fill prescription medication at your local pharmacy. Arkansas Workers' Compensation Commission rules require that generics should be used unless the treating physician provides sufficient justification for requiring brand name medication.

## If my claim is compensable, when will I start receiving benefits?

In general, there are two (2) types of workers' compensation claims: (1) "Medical Only" claims which do not involve more than seven (7) days of disability and for which only medical benefits are required and (2) "Lost Time" claims for which either temporary total or temporary partial disability benefits are payable. Under Ark. Code Ann. §11-9-501(a)(1) and (2), a claim is not considered a "lost time" claim until after you have missed seven (7) days of work; thereafter, compensation is payable on the ninth (9th) day of disability. Under Ark. Code Ann. §11-9-501(a)(3), if you are disabled for two (2) weeks or more, your compensation benefits become retroactive to the

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first date of your disability. In most cases, you will receive bi-weekly compensation payments in the amount of 66-2/3% of your average weekly wage, subject to the state maximum average weekly wage as determined by the Arkansas Workers' Compensation Commission. Medical expenses that are reasonably necessary and related to your compensable injury are generally paid within thirty (30) days of receipt by PECD.

## How long will I receive benefits?

There is no single answer to this question but, in general, you will receive medical and, in appropriate cases, temporary disability benefits as long as you remain in your healing period and are either partially or totally disabled from working due to your workers' compensation injury. However, your employer may have a light duty program that will allow you to return to work in modified duty even during your healing period. In most cases, your physician will determine when your healing period has ended ("maximum medical improvement") and whether you have sustained any anatomical impairment warranting a period of additional compensation for permanent disability under Ark. Code Ann. §§11-9-521 or 11-9-522. Even after your healing period and permanent benefits (if any) have ended, you may be entitled to maintenance medication and/or medical devices as determined by your physician.



## Workers' Compensation Information for Arkansas State Government Employees

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Public Employee Claims Division

**Arkansas Insurance Department**



**1200 West Third Street, Suite 201  
Little Rock, AR 72201  
(501) 371-2700 (Little Rock)  
(866) 278-8066 (toll free)  
(501) 371-2733 (facsimile)**

## I have sustained an injury on the job - what do I do?

Immediately advise your supervisor that you need to report an injury. If the injury is not an emergency, you will be asked by your employer to fill out and sign Forms AR-N and PECD-1, while your employer will complete Forms I-A1 and PECD-2. All of these forms will be forwarded to the Public Employee Claims Division of the Arkansas Insurance Department where a Claims Determination Manager will decide whether medical and/or indemnity benefits are payable on your claim. In a non-emergency situation, failure to report an injury before seeking treatment may result in a denial of medical benefits until such time as you notify your employer of the accident.



## Can I report to my usual physician for medical care?

Under Ark. Code Ann. §§11-9-508 and 11-9-514, your employer has the right to select a physician from its MCO network to treat your workers' compensation injury in most non-emergency situations. This physician may manage your care for the entirety of your healing period or may refer you to a specialist (such as an orthopedic physician) if necessary. However, also under §11-9-514, you have the right to petition the Arkansas Workers' Compensation Commission for a one-time change of physician. In emergency situations, you will most likely be directed or taken to the nearest emergency room for immediate care. Your employer should have a directory of MCO member physicians and hospitals. The directory can also be accessed on-line by going to the Arkansas Insurance Department's website at <http://insurance.arkansas.gov> and under "Divisions," selecting "Public Employee Claims." This will provide you with a list of menu options that includes the "PECD Preferred Provider List."

## If my claim is denied, can I appeal?

Yes. Before benefits can be paid on your claim, PECD must determine whether it is a "compensable injury" within the meaning of Act 796 of 1993 and, more specifically,

Ark. Code Ann. §11-9-102(4)(A) et seq. If your claim is denied by PECD, you may appeal the determination by filing a timely Form AR-C with the Arkansas Workers' Compensation Commission. In general, under Ark. Code Ann. §§11-9-702(a)(1) and (b), an AR-C (claim for benefits) must be filed within two (2) years of the date of accident or, in cases where PECD has paid benefits but later determined that your claim is no longer payable, within one (1) year from the date of the last payment of compensation or two (2) years from the date of injury, whichever is longer. Filing a Form AR-C may result in your claim being scheduled for a hearing before an Administrative Law Judge and, ultimately, being reviewed on appeal by the full Workers' Compensation Commission, the Arkansas Court of Appeals and, possibly, the Arkansas Supreme Court. Because of this possibility, it is a good idea to contact an attorney who handles such claims or to contact the Legal Advisor Division of the Arkansas Workers' compensation Commission (501-682-3930) before proceeding.

